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6 *Representing the United States of America*

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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 ROSALIO ALCANTAR,

14 Defendant.

15 Case No. 2:12-cr-00113-JCM-VCF

16 STIPULATION AND PROPOSED
ORDER TO CONTINUE
REVOCATION HEARING
(Fifth Request)

17 It is hereby stipulated and agreed, by and between Dayle Elieson, United
18 States Attorney, through Richard Anthony Lopez, Assistant United States Attorney,
19 and Craig W. Drummond, Esq., counsel for defendant Rosario Alcantar, that the
hearing regarding revocation of supervised release scheduled for October 29, 2018,
at 10:00 a.m. be VACATED and set for a date and time convenient for the Court but
no sooner than 30 days from the currently scheduled date.

20 This stipulation is entered into for the following reasons:

21 1. The Petition for Revocation of Supervised Release alleges that the
22 Defendant committed new offenses while under supervision.

2. The parties have reached an agreement in principle that resolves both the revocation proceedings and the new substantive offenses in a single agreement.

3. The parties need additional time to reduce the agreement to writing and obtain the necessary approvals and signatures.

4. In addition, counsel for the Government has a conflict with the current scheduled hearing date because trial in United States v. Fujinaga, No. 2:15-cr-00198-GMN-NJK, is scheduled to begin at 8:30 a.m. on October 29, 2018. The Fujinaga trial is expected to last two to four weeks.

5. The Defendant is not in custody and does not object to the continuance.

6. The parties agree to the continuance.

7. This is the fifth request for a continuance of the revocation hearing.

DATED this 24th day of October, 2018.

Respectfully submitted,

DAYLE ELIESON
United States Attorney

/s/ Craig W. Drummond
CRAIG W. DRUMMOND, ESQ.
Counsel for Defendant
Rosalio Alcantar

/s/ Richard Anthony Lopez
RICHARD ANTHONY LOPEZ
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:12-cr-00113-JCM-VCF

Plaintiff,

vs.

ROSALIO ALCANTAR,

Defendant.

FINDINGS OF FACT

9 Based on the parties' stipulation to continue the hearing regarding revocation
10 of supervised release, and good cause appearing therefore, the Court finds that:

11 1. The Petition for Revocation of Supervised Release alleges that the
12 Defendant committed new offenses while under supervision.

13 2. The parties have reached an agreement in principle that resolves both
14 the revocation proceedings and the new substantive offenses in a single agreement.

15 3. The parties need additional time to reduce the agreement to writing
16 and obtain the necessary approvals and signatures.

17 4. In addition, counsel for the Government has a conflict with the current
18 scheduled hearing date because trial in United States v. Fujinaga, No. 2:15-cr-00198-
19 GMN-NJK, is scheduled to begin at 8:30 a.m. on October 29, 2018. The Fujinaga trial
20 is expected to last two to four weeks.

21 5. The Defendant is not in custody and does not object to the continuance.

6. The parties agree to the continuance.

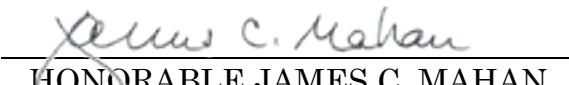
23 7. This is the fifth request for a continuance of the revocation hearing.

1 **CONCLUSIONS OF LAW**

2 8. For all of the above-stated reasons, the ends of justice would best be
3 served by a continuance of the sentencing date.

4 **ORDER**

5 IT IS HEREBY ORDERED that the hearing regarding revocation of
6 supervised release presently scheduled for October 29, 2018, at the hour of
7 10:00 a.m. be continued to **December 3, 2018** at the hour of **10:30 a.m.** in
8 Las Vegas Courtroom 6A before Judge James C. Mahan.

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12 HONORABLE JAMES C. MAHAN
13 UNITED STATES DISTRICT JUDGE

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23 DATED: October 25, 2018

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the United States Attorney's Office. A copy
3 of the above STIPULATION AND PROPOSED ORDER TO CONTINUE
4 REVOCATION HEARING (Fifth Request) was served upon counsel of record via
5 Electronic Case Filing (ECF).

6 DATED this 24th of October, 2018.

7 */s/ Richard Anthony Lopez*
8 RICHARD ANTHONY LOPEZ
9 Assistant United States Attorney

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